

ORDINANCE NO. 610

(Historical comment: On October 27th, 1981, the City Council of Rock Rapids, Iowa and the Lyon County Board of Supervisors adopted The Rock Rapids Municipal Airport Height Zoning Ordinance. The City referred to this Ordinance as Ordinance No. 498 and the County referred to this as Ordinance No. 81-4. The provisions of said Ordinances were substantially the same but the section numbers on the two Ordinances were different. The purpose of this Ordinance is to amend the City and County Ordinances by adding new provisions. The new provisions will cite the sections to be amended by referring to both the City Ordinance section number and the County Ordinance section number.)

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ROCK RAPIDS, IOWA AND ORDINANCE 81-4 OF LYON COUNTY, IOWA BY AMENDING SPECIFIC PORTIONS OF THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING ORDINANCE.

BE IT ORDAINED by the City Council of the City of Rock Rapids, Iowa and the Lyon County Board of Supervisors as follows:

Section 1. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding the following new Sections to Section 6-8.03 and the Lyon County Ordinance 81-4 is amended by adding new sections to section II as follows:

DEFINITIONS

"SECTION 6-8.03 (City) and SECTION II (County)

13. **NON-PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure providing course guidance without vertical path guidance utilizing VOR, NDB, LDA, GPS, or other authorized RNAV system, for which a straight-in non-precision instrument approach procedure has been approved or planned.
14. **NON-PRECISION INSTRUMENT RUNWAY HAVING APPROACH PROCEDURE WITH VERTICAL GUIDANCE** - A runway having an existing instrument approach procedure providing course and vertical path guidance that does not conform to Instrument Landing System (ILS) or Microwave Landing System (MLS) system performance standards, or a precision system that does not meet TERPS alignment criteria, utilizing WAAS and authorized barometric VNAV, for which a straight-in non-precision instrument approach procedure has been approved or planned.
15. **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure providing course and vertical path guidance conforming to Instrument Landing System (ILS) or Microwave Landing System (MLS), precision system performance standards, utilizing ILS, LAAS, WAAS, MLS, and other precision systems. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning documents.

16. **LARGE AIRPLANE** - An airplane of more than 12,500 pounds maximum certified take off weight.
17. **SMALL AIRPLANE** - An airplane of 12,500 pounds or less maximum certified take off weight.
18. **AIRPLANE DESIGN GROUP** - A grouping of airplanes based on wing span. The groups are as follows:
 - Group I: Up to but not including forty-nine feet (49').
 - Group II: Forty-nine feet (49') up to but not including seventy-nine feet (79').
 - Group III: Seventy-nine feet (79') up to but not including one hundred eighteen feet (118').
 - Group IV: One hundred eighteen feet (118') up to but not including one hundred seventy-one feet (171').
 - Group V: One hundred seventy-one feet (171') up to but not including two hundred fourteen feet (214').
 - Group VI: Two hundred fourteen feet (214') up to but not including two hundred sixty-two feet (262').
19. **AIRCRAFT APPROACH CATEGORY** - A grouping of aircraft based on 1.3 times their stall speed in their landing configuration at their maximum certified landing weight. The categories are as follows:
 - Category A: Speed less than 91 knots.
 - Category B: Speed 91 knots or more but less than 121 knots
 - Category C: Speed 121 knots or more but less than 141 knots.
 - Category D: Speed 141 knots or more but less than 166 knots.
 - Category E: Speed 166 knots or more."

AIRPORT ZONES AND AIR SPACE HEIGHT LIMITATIONS. Wherever in these Sections that there is a reference to Runways 16 and 34, this should now be changed to refer to Runways 17 and 35.

Section 2. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding the following new Sections to Section 6-8.04 and the Lyon County Ordinance 81-4 is amended by adding new sections to section III as follows:

"SECTION 6-8.04 (City) and SECTION III (County)

- F. **INNER APPROACH SURFACE** - The inner portion of the approach surface is extending out from the runway end to where the Part 77 Subpart C approach surface reaches a one hundred foot (100') height above the ground elevation.

- G. FOR APPROACH END RUNWAYS EXPECTED TO SUPPORT INSTRUMENT STRAIGHT-IN NIGHT OPERATIONS** - No object should penetrate a surface that starts 200 feet out from the threshold and at the elevation of the runway centerline at the threshold and slopes upward from the starting point at slope 20 (horizontal) to 1 (vertical). In the plan view, the centerline of this surface extends 10,000 feet along the extended runway centerline. This surface extends laterally 400 feet on each side of the centerline at the starting point and increases in width to 1900 feet on each side of the centerline at the far end of this surface."

Section 3. The Municipal Code of Rock Rapids, Iowa is hereby amended by adding the following new Sections to Section 6-8.05 and the Lyon County Ordinance 81-4 is amended by adding new sections to section IV as follows:

"SECTION 6-8.05 (City) and SECTION IV (County)

- D. RUNWAY PROTECTION ZONE** - Runway protection zone is a trapezoidal area "off the end of the runway threshold established to enhance the protection of people and property on the ground" in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport.

Compatible land use within the RPZ is generally restricted to such land uses as agricultural and uses that do not involve congregations of people or construction of buildings or other improvements that may be obstructions. The following land use criteria apply with the RPZ:

- (A) While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are outside the Runway OFA, and do not interfere with navigational aids. Agricultural operations (other than forestry or livestock farms) are expressly permitted under this provision. Golf courses (but not club houses), although discouraged, may be permitted if a wildlife hazard assessment determines that it will not provide an environment attractive to birds. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the object free area extension
- (B) Land uses prohibited from the RPZ are: residences and places of public assembly. Churches, schools, hospitals, office buildings, shopping centers, and other

uses with similar concentrations of persons typify
places of public assembly

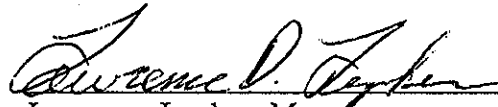
- E. BUILDING RESTRICTION LINE** - No structures, other than those approved by the Federal Aviation Administration and the Rock Rapids Airport Commission, and which conform to the underlying zoning designation, shall be constructed within the Building Restriction Line (BRL).
- F. NOTICE TO THE FAA OF PROPOSED CONSTRUCTION** - 14 CFR Part 77 Objects Affecting Navigable Airspace, requires persons proposing any construction or alteration described in 14 CFR Section 77.13 (A) to give 30 day notice to the FAA of their intent. This includes any construction or alteration of structures more than two hundred feet (200') in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public use airport as well as construction or alteration of greater height than an imaginary surface extending outward and upward at 100 to 1 foot for a horizontal distance of 20,000 feet from the nearest point of the nearest runway."

Section 4. Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

Section 6. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council this 8TH day of APRIL, 2003.


Lawrence Lupkes, Mayor

Attest:


Jordan Kordahl, City Clerk

Passed and approved this 5 day of MAY, 2003.

LYON COUNTY BOARD OF SUPERVISORS

BY: Larry Landman
- Chairman

Attest:

Wayne Shooter
- County Auditor

I, Jordan Kordahl, City Clerk of the City of Rock Rapids, Iowa, do hereby certify that the foregoing Ordinance was published on the 14th day of MAY, 2003, in the Lyon County Reporter, a weekly newspaper published in Rock Rapids, Lyon County, Iowa.

Dated this 14th day of MAY, 2003.

Jordan Kordahl
Jordan Kordahl, City Clerk

ORDINANCE NO. 498

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF ROCK RAPIDS, IOWA, 1980, BY ADDING A NEW CHAPTER THERETO REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE ROCK RAPIDS MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: REFERRING TO THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE: PROVIDING FOR ENFORCEMENT: ESTABLISHING A BOARD OF ADJUSTMENT: AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK RAPIDS, IOWA, AND RESOLVED BY THE LYON COUNTY BOARD OF SUPERVISORS:

SECTION 1. THE CITY CODE OF THE CITY OF ROCK RAPIDS, IOWA, 1980, IS AMENDED BY ADDING A NEW CHAPTER 8 ENTITLED "AIRPORT TALL STRUCTURE ZONING" WHICH IS HEREBY ADOPTED TO READ AS FOLLOWS:

TITLE VI - COMMUNITY DEVELOPMENT AND ENVIRONMENT

CHAPTER 8

AIRPORT TALL STRUCTURE ZONING

6-8.01 PURPOSE. THIS CHAPTER IS ADOPTED PURSUANT TO THE AUTHORITY CONFERRED ON THE CITY OF ROCK RAPIDS AND THE LYON COUNTY BOARD OF SUPERVISORS BY IOWA STATUTES, SECTION 329.3. IT IS HEREBY FOUND THAT AN AIRPORT HAZARD ENDANGERS THE LIVES AND PROPERTY OF USERS OF THE ROCK RAPIDS MUNICIPAL AIRPORT, AND PROPERTY OR OCCUPANTS OF LAND IN ITS VICINITY. ACCORDINGLY, IT IS DECLARED:

1. THAT THE CREATION OR ESTABLISHMENT OF AN AIRPORT HAZARD IS A PUBLIC NUISANCE AND AN INJURY TO THE CITY/COUNTY SERVED BY THE ROCK RAPIDS MUNICIPAL AIRPORT.
2. THAT IT IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, PUBLIC SAFETY, AND GENERAL WELFARE THAT CREATION OF AIRPORT HAZARDS BE PREVENTED; AND
3. THAT THIS SHOULD BE ACCOMPLISHED, TO THE EXTENT LEGALLY POSSIBLE, BY PROPER EXERCISE OF THE POLICE POWER; AND
4. THAT THE PREVENTION OF THE CREATION OR ESTABLISHMENT OF AIRPORT HAZARDS, AND THE ELIMINATION, REMOVAL, ALTERATION, MITIGATION, OR MARKING AND LIGHTING OF EXISTING AIRPORT HAZARDS ARE PUBLIC PURPOSES FOR WHICH THE CITY OF ROCK RAPIDS AND LYON COUNTY MAY RAISE AND EXPEND PUBLIC FUNDS, AS AN INCIDENT TO THE OPERATION OF AIRPORTS, TO ACQUIRE LAND OR PROPERTY INTERESTS THEREIN.

6-8.02 SHORT TITLE. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS "THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING ORDINANCE".

6-8.03 DEFINITIONS. AS USED IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES;

1. AIRPORT - THE ROCK RAPIDS MUNICIPAL AIRPORT.
2. AIRPORT ELEVATION - THE HIGHEST POINT OF AN AIRPORT'S USABLE LANDING AREA MEASURED IN FEET ABOVE MEAN SEA LEVEL, WHICH ELEVATION IS ESTABLISHED TO BE 1,363 FEET.
3. AIRPORT HAZARD - ANY STRUCTURE OR TREE OR USE OF LAND WHICH WOULD EXCEED THE FEDERAL OBSTRUCTION STANDARDS AS CONTAINED IN FOURTEEN CODE OF FEDERAL REGULATIONS SECTIONS SEVENTY-SEVEN POINT TWENTY-ONE (77.21), SEVENTY-SEVEN POINT TWENTY-THREE (77.23) AND SEVENTY-SEVEN POINT TWENTY-FIVE (77.25) AS REVISED MARCH 4, 1972, AND WHICH OBSTRUCT THE AIRSPACE REQUIRED FOR THE FLIGHT OF AIRCRAFT AND LANDING OR TAKEOFF AT AN AIRPORT OR IS OTHERWISE HAZARDOUS TO SUCH LANDING OR TAKING OFF OF AIRCRAFT.
4. AIRPORT PRIMARY SURFACE - A SURFACE LONGITUDINALLY CENTERED ON A RUNWAY. WHEN THE RUNWAY HAS A SPECIALLY PREPARED HARD SURFACE, THE PRIMARY SURFACE EXTENDS 200 FEET BEYOND EACH END OF THAT RUNWAY. THE WIDTH OF THE PRIMARY SURFACE OF A RUNWAY WILL BE THAT WIDTH PRESCRIBED IN PART 77 OF THE FEDERAL AVIATION REGULATIONS (FAR) FOR THE MOST PRECISE APPROACH EXISTING OR PLANNED FOR EITHER END OF THAT RUNWAY. THE ELEVATION OF ANY POINT ON THE PRIMARY SURFACE IS THE SAME AS THE ELEVATION OF THE NEAREST POINT ON THE RUNWAY CENTERLINE.
5. AIRSPACE HEIGHT - FOR THE PURPOSE OF DETERMINING THE HEIGHT LIMITS IN ALL ZONES SET FORTH IN THIS CHAPTER AND SHOWN ON THE ZONING MAP, THE DATUM SHALL BE MEAN SEA LEVEL ELEVATION UNLESS OTHERWISE SPECIFIED.

6. CONTROL ZONE - AIRSPACE EXTENDING UPWARD FROM THE SURFACE OF THE EARTH WHICH MAY INCLUDE ONE OR MORE AIRPORTS AND IS NORMALLY A CIRCULAR AREA OF 5 STATUTE MILES IN RADIUS, WITH EXTENSIONS WHERE NECESSARY TO INCLUDE INSTRUMENT APPROACH AND DEPARTURE PATHS.

7. INSTRUMENT RUNWAY - A RUNWAY HAVING AN EXISTING INSTRUMENT APPROACH PROCEDURE UTILIZING AIR NAVIGATION FACILITIES OR AREA TYPE NAVIGATION EQUIPMENT, FOR WHICH AN INSTRUMENT APPROACH PROCEDURE HAS BEEN APPROVED OR PLANNED.

8. MINIMUM DESCENT ALTITUDE - THE LOWEST ALTITUDE, EXPRESSED IN FEET ABOVE MEAN SEA LEVEL, TO WHICH DESCENT IS AUTHORIZED ON FINAL APPROACH OR DURING CIRCLE-TO-LAND MANEUVERING IN EXECUTION OF A STANDARD INSTRUMENT APPROACH PROCEDURE, WHERE NO ELECTRONIC GLIDE SLOPE IS PROVIDED.

9. MINIMUM ENROUTE ALTITUDE - THE ALTITUDE IN EFFECT BETWEEN RADIO FIXES WHICH ASSURES ACCEPTABLE NAVIGATIONAL SIGNAL COVERAGE AND MEETS OBSTRUCTION CLEARANCE REQUIREMENTS BETWEEN THOSE FIXES.

10. MINIMUM OBSTRUCTION CLEARANCE ALTITUDE - THE SPECIFIED ALTITUDE IN EFFECT BETWEEN RADIO FIXES ON VOR AIRWAYS, OFF-AIRWAY ROUTES, OR ROUTE SEGMENTS WHICH MEETS OBSTRUCTION CLEARANCE REQUIREMENTS FOR THE ENTIRE ROUTE SEGMENT AND WHICH ASSURES ACCEPTABLE NAVIGATIONAL SIGNAL COVERAGE ONLY WITHIN 22 MILES OF A VOR.

11. RUNWAY - A DEFINED AREA ON AN AIRPORT PREPARED FOR LANDING AND TAKEOFF OF AIRCRAFT ALONG ITS LENGTH.

12. VISUAL RUNWAY - A RUNWAY INTENDED SOLELY FOR THE OPERATION OF AIRCRAFT USING VISUAL APPROACH PROCEDURES WITH NO STRAIGHT-IN INSTRUMENT APPROACH PROCEDURE AND NO INSTRUMENT DESIGNATION INDICATED ON A FAA APPROVED AIRPORT LAYOUT PLAN, A MILITARY SERVICES APPROVED MILITARY AIRPORT LAYOUT PLAN, OR BY ANY PLANNING DOCUMENT SUBMITTED TO THE FAA BY COMPETENT AUTHORITY.

6-8.04 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. IN ORDER TO CARRY OUT THE PROVISIONS OF THIS SECTION, THERE ARE HEREBY CREATED AND ESTABLISHED CERTAIN ZONES WHICH ARE DEPICTED ON THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP. A STRUCTURE LOCATED IN MORE THAN ONE (1) ZONE OF THE FOLLOWING ZONES IS CONSIDERED TO BE ONLY IN THE ZONE WITH THE MORE RESTRICTIVE HEIGHT LIMITATION. THE VARIOUS ZONES ARE HEREBY ESTABLISHED AND DEFINED AS FOLLOWS:

A. HORIZONTAL ZONE - THE LAND LYING UNDER A HORIZONTAL PLANE 150 FEET ABOVE THE ESTABLISHED AIRPORT ELEVATION, THE PERIMETER OF WHICH IS CONSTRUCTED BY SWINGING ARCS OF 5,000 FEET RADIUS FROM THE CENTER OF EACH END OF THE PRIMARY SURFACE OF RUNWAYS 16 AND 34, AND CONNECTING THE ADJACENT ARCS BY LINES TANGENT TO THOSE ARCS.

NO STRUCTURE SHALL EXCEED 150 FEET ABOVE THE ESTABLISHED AIRPORT ELEVATION IN THE HORIZONTAL ZONE, AS DEPICTED ON THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP.

B. CONICAL ZONE - THE LAND LYING UNDER A SURFACE EXTENDING OUTWARD AND UPWARD FROM THE PERIPHERY OF THE HORIZONTAL SURFACE AT A SLOPE OF 20 TO 1 FOR A HORIZONTAL DISTANCE OF 4,000 FEET. NO STRUCTURE SHALL PENETRATE THE CONICAL SURFACE IN THE CONICAL ZONE, AS DEPICTED ON THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP.

C. APPROACH ZONE - THE LAND LYING UNDER A SURFACE LONGITUDINALLY CENTERED ON THE EXTENDED RUNWAY CENTERLINE AND EXTENDING OUTWARD AND UPWARD FROM EACH END OF THE PRIMARY SURFACE. (NOTE: AN APPROACH SURFACE IS APPLIED TO EACH END OF EACH RUNWAY BASED UPON THE TYPE OF APPROACH AVAILABLE OR PLANNED FOR THAT RUNWAY END)

1. THE INNER EDGE OF THE APPROACH SURFACE IS 500 FEET WIDE FOR RUNWAYS 16 AND 34. (VISUAL AND NON-PRECISION INSTRUMENT RUNWAY)

2. THE OUTER EDGE OF THE APPROACH IS 2,000 FEET FOR RUNWAYS 16 AND 34. (NON-PRECISION INSTRUMENT UTILITY RUNWAYS)

3. THE APPROACH ZONE EXTENDS FOR A HORIZONTAL DISTANCE OF 5,000 FEET AT A SLOPE OF 20 TO 1 FOR RUNWAYS 16 AND 34. (ALL VISUAL AND NON-PRECISION INSTRUMENT UTILITY RUNWAYS)

NO STRUCTURE SHALL EXCEED THE APPROACH SURFACE TO ANY RUNWAY, AS DEPICTED ON THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP.

D. TRANSITIONAL ZONE - THE LAND LYING UNDER THOSE SURFACES EXTENDING OUTWARD AND UPWARD AT RIGHT ANGLES TO THE RUNWAY CENTERLINE AND THE RUNWAY CENTERLINE EXTENDED AT A SLOPE OF 7 TO 1 FROM THE SIDES OF THE PRIMARY SURFACE AND FROM THE SIDES OF THE APPROACH SURFACES.

NO STRUCTURE SHALL EXCEED THE TRANSITIONAL SURFACE, AS DEPICTED ON THE ROCK RAPIDS MUNICIPAL AIRPORT HEIGHT ZONING MAP.

E. NO STRUCTURE SHALL BE ERECTED IN ROCK RAPIDS OR LYON COUNTY THAT RAISES THE PUBLISHED MINIMUM DESCENT ALTITUDE FOR AN INSTRUMENT APPROACH TO ANY RUNWAY, NOR SHALL ANY STRUCTURE BE ERECTED THAT CAUSES THE MINIMUM OBSTRUCTION CLEARANCE ALTITUDE OR MINIMUM ENROUTE ALTITUDE TO BE INCREASED ON ANY FEDERAL AIRWAY IN ROCK RAPIDS OR LYON COUNTY.

6-8.05 USE RESTRICTIONS. NOTWITHSTANDING ANY OTHER PROVISIONS OF SECTION 6-8.04, NO USE MAY BE MADE OF LAND OR WATER WITHIN THE CITY OF ROCK RAPIDS OR LYON COUNTY IN SUCH A MANNER AS TO INTERFERE WITH THE OPERATION OF ANY AIRBORNE AIRCRAFT. THE FOLLOWING SPECIAL REQUIREMENTS SHALL APPLY TO EACH PERMITTED USE:

A. ALL LIGHTS OR ILLUMINATION USED IN CONJUNCTION WITH STREET, PARKING, SIGNS OR USE OF LAND AND STRUCTURES SHALL BE ARRANGED AND OPERATED IN SUCH A MANNER THAT IT IS NOT MISLEADING OR DANGEROUS TO AIRCRAFT OPERATING FROM THE ROCK RAPIDS MUNICIPAL AIRPORT OR IN THE VICINITY THEREOF.

B. NO OPERATIONS FROM ANY USE SHALL PRODUCE SMOKE, GLARE OR OTHER VISUAL HAZARDS WITHIN THREE (3) STATUTE MILES OF ANY USABLE RUNWAY OF THE ROCK RAPIDS MUNICIPAL AIRPORT.

C. NO OPERATIONS FROM ANY USE IN THE CITY OF ROCK RAPIDS OR LYON COUNTY SHALL PRODUCE ELECTRONIC INTERFERENCE WITH NAVIGATION SIGNALS OR RADIO COMMUNICATION BETWEEN THE AIRPORT AND AIRCRAFT.

6-8.06 LIGHTING.

A. NOTWITHSTANDING THE PROVISIONS OF SECTION 6-8.05, THE OWNER OF ANY STRUCTURE OVER 200 FEET ABOVE GROUND LEVEL MUST INSTALL ON THE STRUCTURE LIGHTING IN ACCORDANCE WITH THE FEDERAL AVIATION ADMINISTRATION (FAA), ADVISORY CIRCULAR 70-7460-1D AND AMENDMENTS. ADDITIONALLY, ANY STRUCTURE CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS CHAPTER AND EXCEEDING 949 FEET ABOVE GROUND LEVEL, MUST INSTALL ON THAT STRUCTURE HIGH INTENSITY WHITE OBSTRUCTION LIGHTS IN ACCORDANCE WITH CHAPTER 6 OF FAA ADVISORY CIRCULAR 7460-1D AND AMENDMENTS.

B. ANY PERMIT OR VARIANCE GRANTED MAY BE SO CONDITIONED AS TO REQUIRE THE OWNER OF THE STRUCTURE OR GROWTH IN QUESTION TO PERMIT THE CITY OF ROCK RAPIDS AND LYON COUNTY AT ITS OWN EXPENSE TO INSTALL, OPERATE AND MAINTAIN THERETO SUCH MARKERS OR LIGHTS AS MAY BE NECESSARY TO INDICATE TO PILOTS THE PRESENCE OF AN AIRSPACE HAZARD.

6-8.07 VARIANCES. ANY PERSON DESIRING TO ERECT OR INCREASE THE HEIGHT OF ANY STRUCTURE, OR TO PERMIT THE GROWTH OF ANY TREE, OR OTHERWISE USE HIS PROPERTY IN VIOLATION OF ANY SECTION OF THIS CHAPTER, MAY APPLY TO THE BOARD OF ADJUSTMENT FOR VARIANCE FROM SUCH REGULATIONS. NO APPLICATION FOR VARIANCE TO THE REQUIREMENTS OF THIS CHAPTER MAY BE CONSIDERED BY THE BOARD OF ADJUSTMENT UNLESS A COPY OF THE APPLICATION HAS BEEN SUBMITTED TO THE CITY CLERK OF THE CITY OF ROCK RAPIDS FOR HIS OPINION AS TO THE AERONAUTICAL EFFECTS OF SUCH A VARIANCE. IF THE CITY CLERK DOES NOT RESPOND TO THE BOARD OF ADJUSTMENT WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF THE COPY OF THE APPLICATION, THE BOARD MAY MAKE ITS DECISION TO GRANT OR DENY THE VARIANCE.

6-8.08 BOARD OF ADJUSTMENT.

A. THERE IS HEREBY CREATED A BOARD OF ADJUSTMENT TO HAVE AND EXERCISE THE FOLLOWING POWERS: (1) TO HEAR AND DECIDE APPEALS FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY THE CITY CLERK OF ROCK RAPIDS, THE ENFORCING OFFICER, IN THE ENFORCEMENT OF THIS CHAPTER; (2) TO HEAR AND DECIDE SPECIAL EXEMPTIONS TO THE TERMS OF THIS CHAPTER UPON WHICH SUCH BOARD OF ADJUSTMENT UNDER SUCH REGULATIONS MAY BE REQUIRED TO PASS; AND (3) TO HEAR AND DECIDE SPECIFIC VARIANCES.

B. THE BOARD OF ADJUSTMENT SHALL CONSIST OF FIVE MEMBERS AND EACH SHALL SERVE FOR A TERM OF FIVE YEARS UNTIL HIS SUCCESSOR IS DULY APPOINTED AND QUALIFIED. TWO MEMBERS SHALL BE APPOINTED BY THE COUNTY BOARD OF SUPERVISORS AND TWO MEMBERS SHALL BE APPOINTED BY THE CITY COUNCIL OF THE CITY OF ROCK RAPIDS. THE TWO APPOINTEES OF THE CITY SHALL BE MEMBERS OF THE EXISTING ROCK RAPIDS BOARD OF ADJUSTMENT. THE FIFTH MEMBER OF THE BOARD OF ADJUSTMENT SHALL BE SELECTED BY A MAJORITY VOTE OF THE FOUR MEMBERS SELECTED BY THE CITY AND THE COUNTY. OF THE TWO MEMBERS FIRST APPOINTED BY THE BOARD OF SUPERVISORS, ONE SHALL BE APPOINTED FOR A TERM OF TWO YEARS AND ONE APPOINTED FOR A TERM OF FOUR YEARS. OF THE TWO MEMBERS FIRST SELECTED BY THE CITY COUNCIL OF ROCK RAPIDS, ONE SHALL BE APPOINTED FOR A TERM OF TWO YEARS AND ONE APPOINTED FOR A TERM OF FOUR YEARS. MEMBERS SHALL BE REMOVABLE BY THE APPOINTING AUTHORITY FOR CAUSE, UPON WRITTEN CHARGES, AFTER A PUBLIC HEARING.

C. THE BOARD OF ADJUSTMENT SHALL ADOPT RULES FOR ITS GOVERNANCE AND IN HARMONY WITH THE PROVISIONS OF THIS CHAPTER. MEETINGS OF THE BOARD SHALL BE HELD AT THE CALL OF THE CHAIRMAN AND AT SUCH OTHER TIMES AS THE BOARD OF ADJUSTMENT MAY DETERMINE. THE CHAIRMAN, OR IN HIS ABSENCE, THE ACTING CHAIRMAN, MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES. ALL MEETINGS OF THE BOARD OF ADJUSTMENT SHALL BE OPEN TO THE PUBLIC. THE BOARD OF ADJUSTMENT SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE VOTE OF EACH MEMBER UPON EACH QUESTION, OR IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT, AND SHALL KEEP RECORDS OF ITS EXAMINATIONS, AND OTHER OFFICIAL ACTIONS, ALL OF WHICH SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE CITY CLERK, AND ON DUE CAUSE SHOWN.

D. THE BOARD OF ADJUSTMENT SHALL HAVE THE POWERS ESTABLISHED IN IOWA STATUTES, SECTION 414.12.

E. THE CONCURRING VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD OF ADJUSTMENT SHALL BE SUFFICIENT TO REVERSE ANY ORDER, REQUIREMENT, DECISION OR DETERMINATION OF ANY ADMINISTRATIVE OFFICIAL OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO PASS UNDER THIS CHAPTER, OR TO EFFECT VARIATIONS OF THIS CHAPTER.

6-8.09 JUDICIAL REVIEW. ANY PERSON AGGRIEVED, OR ANY TAXPAYER AFFECTED, BY A DECISION OF THE BOARD OF ADJUSTMENT, MAY APPEAL TO THE COURT OF RECORD AS PROVIDED IN IOWA STATUTES, SECTION 414.15.

6-8.10 ADMINISTRATIVE AGENCY. IT SHALL BE THE DUTY OF THE ROCK RAPIDS AIRPORT COMMISSION TO ADMINISTER THE REGULATIONS PRESCRIBED HEREIN. THE ROCK RAPIDS AIRPORT COMMISSION SHALL DESIGNATE THE CITY CLERK OF ROCK RAPIDS TO BE THE ENFORCING OFFICER UPON THIS CHAPTER. APPLICATIONS FOR PERMITS AND VARIANCES SHALL BE MADE TO THE CITY CLERK UPON A FORM FURNISHED BY HIM. APPLICATION REQUIRED BY THIS CHAPTER TO BE SUBMITTED TO THE CITY CLERK SHALL BE PROMPTLY CONSIDERED AND GRANTED OR DENIED. APPLICATION FOR ACTION BY THE BOARD OF ADJUSTMENT SHALL BE FORTHWITH TRANSMITTED BY THE CITY CLERK.


6-8.11 CONFLICTING REGULATIONS. WHERE THERE EXISTS A CONFLICT BETWEEN ANY OF THE REGULATIONS OR LIMITATIONS PRESCRIBED IN THIS CHAPTER AND ANY OTHER REGULATIONS APPLICABLE TO THE SAME AREA, WHETHER THE CONFLICT BE WITH RESPECT TO HEIGHT OF STRUCTURES, THE USE OF LAND, OR ANY OTHER MATTER, THE MORE STRINGENT LIMITATION OR REQUIREMENT SHALL GOVERN AND PREVAIL.

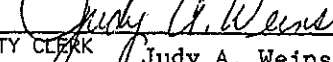
SECTION 2. PENALTIES. EACH VIOLATION OF THIS ORDINANCE OR OF ANY REGULATION, ORDER, OR RULING PROMULGATED HEREUNDER SHALL CONSTITUTE A MISDEMEANOR, AND BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) OR IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS; AND EACH DAY A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 3. SEVERABILITY. IF ANY PROVISIONS OF THIS ORDINANCE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, SUCH INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ORDINANCE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ORDINANCE ARE DECLARED TO BE SEVERABLE.

SECTION 4. EFFECTIVE DATE. WHEREAS, THE IMMEDIATE OPERATION OF THE PROVISIONS OF THIS ORDINANCE IS NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, PUBLIC SAFETY, AND GENERAL WELFARE, AN EMERGENCY IS HEREBY DECLARED TO EXIST, AND THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE BY THE ROCK RAPIDS CITY COUNCIL AND THE LYON COUNTY BOARD OF SUPERVISORS AND PUBLICATION AND POSTING AS REQUIRED BY LAW.

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 1981.


MAYOR Duane L. Moser

ATTEST: 
DEPUTY CLERK Judy A. Weins

PASSED AND APPROVED THIS 27TH DAY OF OCTOBER, 1981.

ATTEST: 
COUNTY AUDITOR Kenneth J. Baldwin


CHAIRMAN Ralph F. Kock



I, WM G. TOBIN, CLERK OF THE CITY OF ROCK RAPIDS, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS PUBLISHED ON THE 2ND DAY OF NOVEMBER, 1981, IN THE LYON COUNTY REPORTER, A SEMI-WEEKLY NEWSPAPER PUBLISHED IN ROCK RAPIDS, LYON COUNTY, IOWA.

DATED THIS 3RD DAY OF NOVEMBER, 1981.

Wm G. Tobin
WM G. TOBIN, CITY CLERK



1800 ✓ ✓
C9

17th

November 81

11:00 A.M. and Recorder
Book W of Miscellaneous

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E. C. Fitzgerald, Recorder
Violet Behrman, Deputy